

# SENATE BILL 19

R7

(11r1092)

## ENROLLED BILL

— Judicial Proceedings/Environmental Matters —

Introduced by ~~Senator Colburn~~ Senators Colburn and Edwards

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm**  
3 **~~Vehicles and Vehicles Carrying Farm~~ Products**

4 FOR the purpose of ~~allowing~~ authorizing the State Highway Administration to issue  
5 permits for certain vehicles that are registered as farm vehicles or that are  
6 carrying certain farm products, and that are loaded in a certain location, a  
7 certain gross weight limit tolerance under products and loads of certain  
8 maximum weights to operate in certain areas in certain circumstances and  
9 subject to certain conditions; expanding the scope of a certain permitting  
10 process for certain vehicles that carry certain forest products to include certain  
11 vehicles that carry certain farm products; repealing a certain separate  
12 permitting process for certain vehicles that carry certain milk products; altering  
13 certain fees for permits for certain vehicles that carry certain products; altering  
14 certain time periods in which certain permits for certain vehicles that carry  
15 certain products are valid; defining a certain term; and generally relating to

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 ~~gross weight limits for farm vehicles and~~ exceptional hauling permits for  
 2 vehicles carrying farm products.

3 BY repealing and reenacting, without amendments,  
 4 Article – Agriculture  
 5 Section 10–601(c)  
 6 Annotated Code of Maryland  
 7 (2007 Replacement Volume and 2010 Supplement)

8 BY repealing and reenacting, with amendments,  
 9 Article – Transportation  
 10 Section ~~24–109~~ 24–113.2  
 11 Annotated Code of Maryland  
 12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing  
 14 Article – Transportation  
 15 Section 24–113.3  
 16 Annotated Code of Maryland  
 17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 10–601.

22 (c) “Farm product” means any agricultural, horticultural, vegetable, or fruit  
 23 product of the soil, including livestock, meats, marine food products, poultry, eggs,  
 24 dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest,  
 25 orchard, garden or water, but does not include canned, frozen, dried, or pickled  
 26 products.

27 **Article – Transportation**

28 ~~24–109.~~

29 (a) (1) ~~In this section the following words have the meanings indicated.~~

30 (2) ~~“Single axle weight” means the total weight transmitted by all~~  
 31 ~~wheels whose centers may be included between 2 parallel transverse vertical planes 40~~  
 32 ~~inches apart extending across the full width of the vehicle.~~

33 (3) ~~“Tandem axle weight” means the total weight transmitted to the~~  
 34 ~~road by 2 or more consecutive axles whose centers may be included between parallel~~

1 ~~vertical planes spaced more than 40 inches apart but not more than 96 inches apart~~  
 2 ~~extending across the full width of the vehicle.~~

3 ~~(b) Notwithstanding any other provisions of this title, the overall gross~~  
 4 ~~weight on a group of 2 or more consecutive axles may not exceed an amount produced~~  
 5 ~~by application of the following formula:~~

6 ~~(LN)~~

7 ~~$$W = 500 \left( \frac{L}{N} + 12N + 36 \right)$$~~

8 ~~(N-1)~~

9 ~~where "W" = overall gross weight on any group of 2 or more consecutive axles to the~~  
 10 ~~nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical~~  
 11 ~~centerlines of the extreme of any group of 2 or more consecutive axles, and "N" =~~  
 12 ~~number of axles in group under consideration, except that 2 consecutive sets of tandem~~  
 13 ~~axles may carry a gross load of 34,000 pounds each providing the overall distance~~  
 14 ~~between the first and last axles of such consecutive sets of tandem axles is 36 feet or~~  
 15 ~~more; provided, that such overall gross weight may not exceed eighty thousand~~  
 16 ~~(80,000) pounds, including any enforcement or statutory tolerances.~~

17 ~~(e) The following table indicates the permissible overall gross weights based~~  
 18 ~~upon the above formula:~~

19 Distance in 20 feet 21 between the 22 extremes of 23 any 24 group of 2 25 or more 26 consecutive 27 axles	<del>2</del> axles	<del>3</del> axles	<del>4</del> axles	<del>5</del> axles	<del>6</del> axles	<del>7</del> axles
28 4	34,000					
29 5	34,000					
30 6	34,000					
31 7	34,000					
32 8	34,000	34,000				
33 and less						
34 More	38,000	42,000				
35 than						
36 8						
37 9	39,000	42,500				
38 10	40,000	43,500				
39 11		44,000				
40 12		45,000	50,000			

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1	<del>13</del>	45,500	50,500			
2	<del>14</del>	46,500	51,500			
3	<del>15</del>	47,000	52,000			
4	<del>16</del>	48,000	52,500	58,000		
5	<del>17</del>	48,500	53,500	58,500		
6	<del>18</del>	49,500	54,000	59,000		
7	<del>19</del>	50,000	54,500	60,000		
8	<del>20</del>	51,000	55,500	60,500	66,000	
9	<del>21</del>	51,500	56,000	61,000	66,500	
10	<del>22</del>	52,500	56,500	61,500	67,000	
11	<del>23</del>	53,000	57,500	62,500	68,000	
12	<del>24</del>	54,000	58,000	63,000	68,500	74,000
13	<del>25</del>	54,500	58,500	63,500	69,000	74,500
14	<del>26</del>	55,500	59,500	64,000	69,500	75,000
15	<del>27</del>	56,000	60,000	65,000	70,000	75,500
16	<del>28</del>	57,000	60,500	65,500	71,000	76,500
17	<del>29</del>	57,500	61,500	66,000	71,500	77,000
18	<del>30</del>	58,500	62,000	66,500	72,000	77,500
19	<del>31</del>	59,000	62,500	67,500	72,500	78,000
20	<del>32</del>	60,000	63,500	68,000	73,000	78,500
21	<del>33</del>		64,000	68,500	74,000	79,000
22	<del>34</del>		64,500	69,000	74,500	80,000
23	<del>35</del>		65,500	70,000	75,000	
24	<del>36</del>	Exception:				
25		See				
26		subsection				
27		(b), this				
28		section				
29	<del>37</del>		-(66,000)	-70,500	-75,500	
30	<del>38</del>		(66,500)	71,000	76,000	
31	<del>39</del>		(67,500)	72,000	77,000	
32	<del>40</del>		68,000	72,500	77,500	
33	<del>41</del>		68,500	73,000	78,000	
34	<del>42</del>		69,500	73,500	78,500	
35	<del>43</del>		70,000	74,000	79,000	
36	<del>44</del>		70,500	75,000	80,000	
37	<del>45</del>		71,500	75,500		
38	<del>46</del>		72,000	76,000		
39	<del>47</del>		72,500	76,500		
40	<del>48</del>		73,500	77,500		
41	<del>49</del>		74,000	78,000		
42	<del>50</del>		74,500	78,500		
43	<del>51</del>		75,500	79,000		
44	<del>52</del>		76,000	80,000		
45	<del>53</del>		76,500			
46	<del>54</del>		77,500			
47	<del>55</del>		78,000			
			78,500			

1 ~~56~~ 79,500  
 2 ~~57~~ 80,000

3 ~~(d) The gross weight of any vehicle or combination of vehicles may not exceed~~  
 4 ~~the following limits:~~

	<del>Number of</del>	<del>Gross weight (in</del>
	<del>axles</del>	<del>pounds)</del>
5	<del>Three or less</del>	<del>55,000</del>
6	<del>Four</del>	<del>66,000</del>
7	<del>Five as provided for in § 13-916 or § 13-923 of</del>	
8	<del>this article</del>	<del>80,000</del>

9 ~~(e) A trailer with metal tires and a gross weight of more than 6,000 pounds~~  
 10 ~~may not be moved on a highway.~~

11 ~~(f) (1) Except on interstate highways, a single unit vehicle with 3 axles,~~  
 12 ~~or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less~~  
 13 ~~than 45 feet long, either registered as a farm vehicle or carrying farm products as~~  
 14 ~~defined under § 10-601 of the Agriculture Article that were loaded in fields or other~~  
 15 ~~off-highway locations, is permitted A GROSS WEIGHT AND an axle load limit~~  
 16 ~~tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest~~  
 17 ~~time when A GROSS WEIGHT LIMIT TOLERANCE OF 5 PERCENT AND an axle load~~  
 18 ~~limit tolerance of 15 percent from subsections (b) and (c) of this section [is] ARE~~  
 19 ~~permitted for a vehicle carrying the following agricultural products:~~

- 20 ~~(i) Wheat, for the period from June 1 to August 15;~~
- 21 ~~(ii) Corn, for the period from July 1 to December 1;~~
- 22 ~~(iii) Soybeans, for the period from September 1 to December 31;~~
- 23 ~~and~~
- 24 ~~(iv) Vegetable crops, for the period from June 1 to October 31.~~

25 ~~(2) (i) Except on interstate highways, a single unit vehicle with at~~  
 26 ~~least 3 axles or a combination of vehicles with a trailer length of less than 32 feet~~  
 27 ~~carrying forest products that have been loaded in forests or other similar off-highway~~  
 28 ~~locations is permitted an axle load limit tolerance of 10 percent from subsections (b)~~  
 29 ~~and (c) of this section, except for the period from June 1 through September 30 when~~  
 30 ~~an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is~~  
 31 ~~permitted.~~

32 ~~(ii) Except on interstate highways, a combination of vehicles~~  
 33 ~~with a semitrailer length of 45 feet or less carrying forest products that have been~~  
 34

~~1 loaded in forests or other similar off-highway locations is permitted an axle load limit  
2 tolerance of 5 percent from subsections (b) and (c) of this section, except for the period  
3 from June 1 through September 30 when an axle load limit tolerance of 15 percent  
4 from subsections (b) and (c) of this section is permitted.~~

5 24-113.2.

6 (a) [An] UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, AN  
7 exceptional hauling permit issued under this section is NOT valid [only in:

8 (1) Allegany County and Garrett County; and

9 (2) Dorchester County, Somerset County, Talbot County, Wicomico  
10 County, and Worcester County] ON THE INTERSTATE HIGHWAY SYSTEM, AS  
11 DEFINED IN § 8-101(J) OF THIS ARTICLE.

12 (b) Notwithstanding any other provision of this title, the State Highway  
13 Administration may issue an exceptional hauling permit for a combination of vehicles  
14 that:

15 (1) Carries [forestry products] FARM PRODUCTS AS DEFINED IN §  
16 10-601(C) OF THE AGRICULTURE ARTICLE that:

17 (i) Are loaded in fields or other off-highway locations; and

18 (ii) Are the only load of the vehicle; and

19 (2) Has an axle configuration of not less than six axles and a  
20 front-to-rear centerline axle spacing of not less than 50 feet.

21 (c) A combination of vehicles operating under the authority of an exceptional  
22 hauling permit issued under subsection (b) of this section shall:

23 (1) Comply with the following weight limits:

24 (i) A maximum of 20,000 pounds gross weight on a single axle;

25 (ii) For any consecutive axle configuration of two or more axles  
26 on individual vehicles in the combination, the maximum gross weight specified in §  
27 24-109(c) of this subtitle; and

28 (iii) A maximum of 87,000 pounds gross combination weight;

29 (2) Twice each year, submit to and pass a North American Standard  
30 Driver/Vehicle Level 1 inspection; and

1           (3) Be allowed a load limit tolerance of only 1,000 pounds for gross  
2 combination weight and 15% for axle weights.

3           (d) While operating a combination of vehicles under the authority of an  
4 exceptional hauling permit issued under subsection (b) of this section, a person may  
5 not:

6           (1) Violate a highway restriction issued by a competent authority;

7           (2) Operate the combination of vehicles on the interstate highway  
8 system, as defined in § 8–101(j) of this article;

9           (3) Operate the combination of vehicles if the combination of vehicles  
10 exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this  
11 article; or

12           (4) Fail to comply with the terms and conditions of the exceptional  
13 hauling permit.

14           (e) While operating a combination of vehicles under the authority of an  
15 exceptional hauling permit issued under subsection (b) of this section, a person shall  
16 have in the person's possession:

17           (1) The original exceptional hauling permit issued for the vehicle; and

18           (2) For each vehicle in the combination of vehicles, a copy of a valid  
19 North American Standard Driver/Vehicle Level 1 inspection report issued within the  
20 preceding 180 days that shows no out-of-service violations.

21           (f) (1) A violation of this section, regulations adopted to implement this  
22 section, or the terms and conditions of an exceptional hauling permit issued under  
23 subsection (b) of this section shall:

24           (i) Void the authority granted under the exceptional hauling  
25 permit;

26           (ii) Subject the vehicle to all weight requirements and  
27 tolerances specified in this article; and

28           (iii) For a violation of a weight restriction specified in this  
29 section that exceeds 5,000 pounds, subject the exceptional hauling permit to  
30 immediate confiscation by an officer or authorized civilian employee of the  
31 Department of State Police, an officer of the Maryland Transportation Authority  
32 Police, or any police officer.

1           (2) A person who confiscates an exceptional hauling permit under  
2 paragraph (1) of this subsection shall immediately notify the State Highway  
3 Administration.

4           (3) On notification of the confiscation of an exceptional hauling permit,  
5 the State Highway Administration shall review the confiscation, verify the violation of  
6 a weight restriction, and, if the State Highway Administration determines that a  
7 violation did occur, revoke the permit.

8           (4) An owner or operator of a combination of vehicles may appeal the  
9 revocation of an exceptional hauling permit to the State Highway Administrator or the  
10 Administrator's designee.

11           (g) (1) On request from the State Highway Administrator or the  
12 Administrator's designee, weight and delivery records of the holder of an exceptional  
13 hauling permit that are kept in the normal course of business shall be provided by:

14                   (i) The holder of the exceptional hauling permit; or

15                   (ii) A facility that receives [forestry] FARM products, AS  
16 DEFINED IN ~~§ 8-101(J)~~ 10-601(C) OF THE AGRICULTURE ARTICLE, delivered by  
17 a vehicle operating under the authority of an exceptional hauling permit.

18           (2) If the holder of an exceptional hauling permit or a facility that  
19 receives [forestry] FARM products does not comply with a request under this  
20 subsection, the State Highway Administration may:

21                   (i) Suspend the holder's exceptional hauling permit; or

22                   (ii) Prohibit a vehicle from delivering [forestry] FARM products  
23 under the authority of the exceptional hauling permit to the noncompliant facility.

24           (h) (1) An applicant for an exceptional hauling permit shall pay to the  
25 State Highway Administration:

26                   (i) **1. [\$500]\$250 for the issuance of a new ANNUAL permit**  
27 **or the annual renewal [of a permit]; OR**

28                               **2. \$30 FOR THE ISSUANCE OF A 30 DAY PERMIT;**

29                   (ii) \$1,000 for the reinstatement of a permit that was revoked  
30 under subsection (f)(3) of this section for a first violation; and

31                   (iii) \$5,000 for the reinstatement of a permit that was revoked  
32 under subsection (f)(3) of this section for a second or subsequent violation within the  
33 prior 24 months.

1           (2) A fee paid under this subsection is nonrefundable.

2           (i) Except as otherwise provided in this section, an exceptional hauling  
3 permit is valid for:

4           (1) 1 year from the date of issuance **FOR AN ANNUAL PERMIT; OR**

5           (2) **30 CONSECUTIVE DAYS FOR A 30 DAY PERMIT.**

6           (j) In consultation with the Secretary of State Police, the State Highway  
7 Administration shall adopt regulations to implement this section.

8           (k) (1) An exceptional hauling permit is issued under this section at the  
9 discretion of the State Highway Administrator.

10           (2) The State Highway Administrator may stop issuing or renewing  
11 exceptional hauling permits under this section if the Administrator determines that  
12 the use of the permits is adversely affecting any part of the State highway system.

13           (3) The State Highway Administrator shall promptly report to the  
14 General Assembly, in accordance with § 2-1246 of the State Government Article,  
15 regarding any decision to stop issuing or renewing exceptional hauling permits under  
16 this section and the reason for the decision.

17 [24-113.3.

18           (a) An exceptional milk hauling permit issued under this section is valid only  
19 in Allegany County, Anne Arundel County, Baltimore County, Carroll County,  
20 Frederick County, Garrett County, Howard County, Montgomery County, Prince  
21 George's County, and Washington County.

22           (b) Notwithstanding any other provision of this title, the State Highway  
23 Administration may issue an exceptional milk hauling permit for a combination of  
24 vehicles that:

25           (1) Carries to a processing plant raw liquid milk that is the only load  
26 on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm  
27 locations; and

28           (2) Has an axle configuration of not less than six axles and a  
29 front-to-rear centerline axle spacing of not less than 50 feet.

30           (c) A combination of vehicles operating under the authority of an exceptional  
31 milk hauling permit issued under subsection (b) of this section shall:

1           (1)   Comply with the following weight limits:

2                   (i)   A maximum of 20,000 pounds gross weight on a single axle;

3                   (ii)   For any consecutive axle configuration of two or more axles  
4 on individual vehicles in a combination, the weight specified in § 24–109(c) of this  
5 subtitle; and

6                   (iii)   A maximum of 87,000 pounds gross combination weight;

7           (2)   Twice each year, submit to and pass a North American Standard  
8 Driver/Vehicle Level 1 inspection; and

9           (3)   Be allowed a load limit tolerance of only 1,000 pounds for gross  
10 combination weight and 15% for axle weights.

11           (d)   While operating a combination of vehicles under the authority of an  
12 exceptional milk hauling permit issued under subsection (b) of this section, a person  
13 may not:

14                   (1)   Violate a highway restriction issued by a competent authority;

15                   (2)   Operate the combination of vehicles on the interstate highway  
16 system, as defined in § 8–101(j) of this article;

17                   (3)   Operate the combination of vehicles if the combination of vehicles  
18 exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this  
19 article; or

20                   (4)   Fail to comply with the terms and conditions of the exceptional  
21 milk hauling permit.

22           (e)   While operating a combination of vehicles under the authority of an  
23 exceptional milk hauling permit issued under subsection (b) of this section, a person  
24 shall have in the person's possession:

25                   (1)   The original exceptional milk hauling permit issued for the vehicle;  
26 and

27                   (2)   For each vehicle in the combination of vehicles, a copy of a valid  
28 North American Standard Driver/Vehicle Level 1 inspection report issued within the  
29 preceding 180 days that shows no out-of-service violations.

30           (f)   (1)   A violation of this section, regulations adopted to implement this  
31 section, or the terms and conditions of an exceptional milk hauling permit issued  
32 under subsection (b) of this section shall:

1                   (i) Void the authority granted under the exceptional milk  
2 hauling permit;

3                   (ii) Subject the vehicle to all weight requirements and  
4 tolerances specified in this article; and

5                   (iii) For a violation of a weight restriction specified in this  
6 section that exceeds 5,000 pounds, subject the exceptional milk hauling permit to  
7 immediate confiscation by an officer or authorized civilian employee of the  
8 Department of State Police, an officer of the Maryland Transportation Authority  
9 Police, or any police officer.

10                  (2) A person who confiscates an exceptional milk hauling permit under  
11 paragraph (1) of this subsection shall immediately notify the State Highway  
12 Administration.

13                  (3) On notification of the confiscation of an exceptional milk hauling  
14 permit, the State Highway Administration shall review the confiscation, verify the  
15 violation of a weight restriction, and, if the State Highway Administration determines  
16 that a violation did occur, revoke the permit.

17                  (4) An owner or operator of a combination of vehicles may appeal the  
18 revocation of an exceptional milk hauling permit to the State Highway Administrator  
19 or the Administrator's designee.

20                  (g) (1) On request from the State Highway Administrator or the  
21 Administrator's designee, weight and delivery records of the holder of an exceptional  
22 milk hauling permit that are kept in the normal course of business shall be provided  
23 by:

24                         (i) The holder of the exceptional milk hauling permit;

25                         (ii) A facility that receives raw liquid milk delivered by a vehicle  
26 operating under the authority of an exceptional milk hauling permit; or

27                         (iii) A producer of raw liquid milk having the product  
28 transported under the authority of an exceptional milk hauling permit.

29                  (2) If the holder of an exceptional milk hauling permit, a facility that  
30 receives raw liquid milk, or a producer of raw liquid milk does not comply with a  
31 request under this subsection, the State Highway Administration may:

32                         (i) Suspend the holder's exceptional milk hauling permit; or

33                         (ii) Prohibit a vehicle from picking up from the producer or  
34 delivering to the noncompliant facility raw liquid milk under the authority of the  
35 exceptional milk hauling permit.

1           (h)   (1)   An applicant for an exceptional milk hauling permit shall pay to  
 2 the State Highway Administration:

3                           (i)   \$500 for the issuance of a new permit or the annual renewal  
 4 of a permit;

5                           (ii)   \$1,000 for the reinstatement of a permit that was revoked  
 6 under subsection (f)(3) of this section for a first violation; and

7                           (iii)   \$5,000 for the reinstatement of a permit that was revoked  
 8 under subsection (f)(3) of this section for a second or subsequent violation within the  
 9 prior 24 months.

10                   (2)   A fee paid under this subsection is nonrefundable.

11                   (i)   Except as otherwise provided in this section, an exceptional milk hauling  
 12 permit is valid for 1 year from the date of issuance.

13                   (j)   In consultation with the Secretary of State Police, the State Highway  
 14 Administration shall adopt regulations to implement this section.]

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 16 ~~October~~ June 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.